

**First Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 13-0342.01 Jason Gelender x4330

SENATE BILL 13-048

SENATE SPONSORSHIP

Todd, Jones, Cadman, Heath, Hudak, Kerr, Newell

HOUSE SPONSORSHIP

Tyler and Labuda, Fields, Melton, Peniston, Ryden, Salazar

Senate Committees
Transportation

House Committees
Transportation & Energy

A BILL FOR AN ACT

101 **CONCERNING THE USE OF HIGHWAY USER TAX FUND MONEYS**
102 **ALLOCATED TO LOCAL GOVERNMENTS FOR MULTIMODAL**
103 **TRANSPORTATION INFRASTRUCTURE.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

Current law authorizes the department of transportation to spend a portion of its highway users tax fund moneys on transit-related projects and specifies that the funding of such projects constitutes maintenance and supervision of public highways because it will help to reduce traffic

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

SENATE
3rd Reading Unamended
February 12, 2013

SENATE
Amended 2nd Reading
February 11, 2013

on state highways, thereby reducing wear and tear on state highways and bridges and increasing their reliability, safety, efficient performance, and expected useful life. The bill similarly authorizes counties and municipalities to spend moneys that they receive from the highway users tax fund on transit-related projects.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1. Legislative declaration.** The general assembly
3 hereby finds and declares that the development and improvement of
4 multimodal transportation options, including transit-related options, is an
5 important part of a viable and sustainable long-term transportation
6 investment strategy, that the general assembly has authorized the
7 department of transportation to expend highway users tax fund moneys
8 on transit-related projects, and that it is necessary, appropriate, and in the
9 best interest of all Coloradans to also authorize counties and
10 municipalities to expend such moneys on transit-related projects. The
11 general assembly further finds and declares that the funding of
12 transit-related projects constitutes maintenance and supervision of public
13 highways because it will help to reduce traffic and thereby reduce wear
14 and tear on public highways and bridges and increase their reliability,
15 safety, efficient performance, and expected useful life.

16 **SECTION 2.** In Colorado Revised Statutes, 43-4-205, **amend** (6)
17 (b) introductory portion as follows:

18 **43-4-205. Allocation of fund.** (6) Revenues raised by the excise
19 tax imposed on gasoline and special fuel pursuant to sections 39-27-102
20 and 39-27-102.5, C.R.S., in excess of seven cents per gallon of tax, shall
21 be placed in the highway users tax fund to be allocated as follows; except
22 that revenues raised by the excise tax imposed on gasoline in excess of
23 eighteen cents per gallon of tax shall be allocated according to the

1 provisions of paragraph (b) of this subsection (6):

2 (b) The remaining balance of such revenue ~~shall~~ MAY be expended
3 only for improvements to highways within the state, including new
4 construction, safety improvements, maintenance, and capacity
5 improvements, ~~No moneys shall~~ AND FOR OTHER
6 TRANSPORTATION-RELATED PROJECTS TO THE EXTENT AUTHORIZED BY
7 SECTIONS 43-4-206 (3), 43-4-207 (1), AND 43-4-208 (1), AND MAY NOT be
8 expended for administrative purposes. Such revenue ~~shall be~~ IS allocated
9 as follows:

10 **SECTION 3.** In Colorado Revised Statutes, 43-4-207, **amend** (1)
11 as follows:

12 **43-4-207. County allocation.** (1) After paying the costs of the
13 Colorado state patrol and such other costs of the department, exclusive of
14 highway construction, highway improvements, or highway maintenance,
15 as are appropriated by the general assembly, twenty-six percent of the
16 balance of the highway users tax fund shall be paid to the county
17 treasurers of the respective counties, subject to annual appropriation by
18 the general assembly, and shall be allocated and expended as provided in
19 this section. The moneys thus received shall be allocated to the counties
20 as provided by law and shall be expended by the counties only on the
21 construction, engineering, reconstruction, maintenance, repair,
22 equipment, improvement, and administration of the county highway
23 systems and any other public highways, including any state highways,
24 together with acquisition of rights-of-way and access rights for the same,
25 FOR THE PLANNING, DESIGNING, ENGINEERING, ACQUISITION,
26 INSTALLATION, CONSTRUCTION, REPAIR, RECONSTRUCTION,
27 MAINTENANCE, OPERATION, OR ADMINISTRATION OF TRANSIT-RELATED

1 PROJECTS, INCLUDING, BUT NOT LIMITED TO, DESIGNATED BICYCLE OR
2 PEDESTRIAN LANES OF HIGHWAY AND INFRASTRUCTURE NEEDED TO
3 INTEGRATE DIFFERENT TRANSPORTATION MODES WITHIN A MULTIMODAL
4 TRANSPORTATION SYSTEM, and for no other purpose; EXCEPT THAT A
5 COUNTY MAY EXPEND NO MORE THAN FIFTEEN PERCENT OF THE TOTAL
6 AMOUNT EXPENDED UNDER THIS SUBSECTION (1) FOR TRANSIT-RELATED
7 OPERATIONAL PURPOSES AND except that moneys received pursuant to
8 section 43-4-205 (6.3) shall be expended by the counties only for road
9 safety projects, as defined in section 43-4-803 (21). The amount to be
10 expended for administrative purposes shall not exceed five percent of
11 each county's share of the funds available.

12 **SECTION 4.** In Colorado Revised Statutes, 43-4-208, **amend** (1)
13 as follows:

14 **43-4-208. Municipal allocation.** (1) After paying the costs of the
15 Colorado state patrol and such other costs of the department, exclusive of
16 highway construction, highway improvements, or highway maintenance,
17 as are appropriated by the general assembly, and making allocation as
18 provided by sections 43-4-206 and 43-4-207, the remaining nine percent
19 of the highway users tax fund shall be paid to the cities and incorporated
20 towns within the limits of the respective counties, subject to annual
21 appropriation by the general assembly, and shall be allocated and
22 expended as provided in this section. Each city treasurer shall account for
23 the moneys thus received as provided in this part 2. Moneys so allocated
24 shall be expended by the cities and incorporated towns for the
25 construction, engineering, reconstruction, maintenance, repair,
26 equipment, improvement, and administration of the system of streets of
27 such city or incorporated town or of any public highways located within

1 such city or incorporated town, including any state highways, together
2 with the acquisition of rights-of-way and access rights for the same, AND
3 FOR THE PLANNING, DESIGNING, ENGINEERING, ACQUISITION,
4 INSTALLATION, CONSTRUCTION, REPAIR, RECONSTRUCTION,
5 MAINTENANCE, OPERATION, OR ADMINISTRATION OF TRANSIT-RELATED
6 PROJECTS, INCLUDING, BUT NOT LIMITED TO, DESIGNATED BICYCLE OR
7 PEDESTRIAN LANES OF HIGHWAY AND INFRASTRUCTURE NEEDED TO
8 INTEGRATE DIFFERENT TRANSPORTATION MODES WITHIN A MULTIMODAL
9 TRANSPORTATION SYSTEM, and for no other purpose; EXCEPT THAT A CITY
10 OR AN INCORPORATED TOWN MAY EXPEND NO MORE THAN FIFTEEN
11 PERCENT OF THE TOTAL AMOUNT EXPENDED UNDER THIS SUBSECTION (1)
12 FOR TRANSIT-RELATED OPERATIONAL PURPOSES AND except that moneys
13 paid to the cities and incorporated towns pursuant to section 43-4-205
14 (6.3) shall be expended by the cities and incorporated towns only for road
15 safety projects, as defined in section 43-4-803 (21). The amount to be
16 expended for administrative purposes shall not exceed five percent of
17 each city's share of the funds available.

18 **SECTION 5. Effective date.** This act takes effect July 1, 2013.

19 **SECTION 6. Safety clause.** The general assembly hereby finds,
20 determines, and declares that this act is necessary for the immediate
21 preservation of the public peace, health, and safety.